

110TH CONGRESS
2D SESSION

H. R. 7244

To amend the National Voter Registration Act of 1993 to establish notice and review requirements for the removal of individuals from the official list of eligible voters by reason other than a change of residence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2008

Mr. HOLT introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 to establish notice and review requirements for the removal of individuals from the official list of eligible voters by reason other than a change of residence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protection Against
5 Wrongful Voter Purges Act”.

1 **SEC. 2. NOTICE AND REVIEW REQUIREMENTS FOR RE-**
2 **MOVAL OF INDIVIDUALS FROM OFFICIAL**
3 **LIST OF ELIGIBLE VOTERS BY REASON**
4 **OTHER THAN CHANGE OF RESIDENCE.**

5 (a) IN GENERAL.—Section 8 of the National Voter
6 Registration Act of 1993 (42 U.S.C. 1973gg–6) is amend-
7 ed—

8 (1) by redesignating subsection (j) as sub-
9 section (k); and

10 (2) by inserting after subsection (i) the fol-
11 lowing new subsection:

12 “(j) NOTICE AND REVIEW REQUIREMENTS FOR RE-
13 MOVAL OF INDIVIDUALS FROM LIST OF ELIGIBLE VOT-
14 ERS BY REASON OTHER THAN CHANGE OF RESI-
15 DENCE.—

16 “(1) MINIMUM NOTICE PRIOR TO REMOVAL.—

17 “(A) IN GENERAL.—In addition to any
18 other requirements applicable under this sec-
19 tion, a State may not remove a registrant from
20 the official list of eligible voters for an election
21 for Federal office by reason other than death or
22 a change of residence unless the State provides
23 the registrant with a notice of removal meeting
24 the requirements of subparagraph (B) not later
25 than 30 days before the date of the election.

1 “(B) REQUIREMENTS FOR NOTICE.—The
2 notice required under this subparagraph shall
3 be sent by forwardable mail, and shall include
4 the following:

5 “(i) A statement that the State in-
6 tends to remove the registrant from the of-
7 ficial list of eligible voters for elections for
8 Federal office.

9 “(ii) A description of the reasons for
10 removal, including (in the case of an indi-
11 vidual proposed to be removed by reason of
12 criminal conviction) sufficient identifying
13 information on the criminal conviction al-
14 leged to be the basis for removal to enable
15 the registrant to determine whether the
16 registrant was convicted of the offense
17 cited in the notice.

18 “(iii) A statement that the registrant
19 may obtain a review of the removal from
20 an appropriate State election official in ac-
21 cordance with paragraph (2).

22 “(iv) A postage pre-paid and pre-ad-
23 dressed envelope and a clear list of contact
24 information for the appropriate State elec-

tion official that includes a mailing address, telephone number, and fax number.

“(2) REVIEW OF DECISION TO REMOVE.—

“(A) IN GENERAL.—A registrant who receives a notice of removal under paragraph (1) may submit a written request to a designated State election official to withdraw the notice and retain the registrant on the official list of eligible voters, and may include in the request such information and evidence as the registrant considers appropriate to show that the registrant is not subject to removal from the list under State law, including information and evidence showing that the registrant was not convicted of the criminal offense cited in the notice or that the period of ineligibility imposed as the result of a conviction of a criminal offense has expired (in the case of an individual proposed to be removed by reason of criminal conviction).

“(B) RESPONSE BY STATE.—Not later than 10 days after receiving a request from a registrant under subparagraph (A), the State shall review the information and evidence included and accept or reject the request, and

1 shall notify the registrant in writing of its deci-
2 sion.

3 “(3) SPECIAL RULES FOR REMOVAL BY REASON
4 OF DEATH OF REGISTRANT.—In the case of an indi-
5 vidual proposed to be removed by reason of death—

6 “(A) the notice of removal under para-
7 graph (1) shall be addressed to the occupant of
8 the most recent address of the registrant in the
9 records of the appropriate State election offi-
10 cial;

11 “(B) the notice shall include a statement
12 that the occupant should notify the appropriate
13 State election official immediately if the notice
14 of the registrant’s death is in error;

15 “(C) if the notice of removal was issued in
16 error, the registrant may submit a written re-
17 quest under paragraph (2) to withdraw the no-
18 tice and retain the registrant on the official list
19 of eligible voters; and

20 “(D) if the registrant submits such a writ-
21 ten request, the State shall notify the registrant
22 of the decision made under paragraph (2)(B)
23 with respect to the request.

24 “(4) OPPORTUNITY TO CAST PROVISIONAL BAL-
25 LOT.—Any registrant who receives a notice of re-

1 removal under paragraph (1) and believes that the re-
2 moval decision was made in error shall be permitted
3 to cast a provisional ballot in an election for Federal
4 office in accordance with section 302(a) of the Help
5 America Vote Act of 2002, and the vote cast by such
6 a ballot shall be counted in the election (in accord-
7 ance with the standards and procedures of such sec-
8 tion) if it is determined that the removal decision
9 was made in error.

10 “(5) NO EXPANSION OF GROUNDS FOR RE-
11 MOVAL.—Nothing in this subsection may be con-
12 strued to require or authorize the establishment of
13 any grounds for the removal of a registrant from the
14 official list of eligible voters for an election for Fed-
15 eral office which were not in effect prior to the en-
16 actment of this subsection.”.

17 (b) ADOPTION OF VOLUNTARY GUIDANCE REGARD-
18 ING AUDITS OF COMPUTERIZED LIST.—Section 311 of
19 the Help America Vote Act of 2002 (42 U.S.C. 15501)
20 is amended by adding at the end the following new sub-
21 section:

22 “(d) VOLUNTARY GUIDANCE REGARDING AUDITS OF
23 COMPUTERIZED LIST.—Not later than October 1, 2008,
24 the Commission shall adopt voluntary guidance with re-
25 spect to audits of the Statewide computerized voter reg-

1 istration list required to be maintained under section 303
 2 so that each State will be able to ensure that the list re-
 3 flects an accurate and complete count of all individuals
 4 who are validly registered to vote in elections for Federal
 5 office in the State and is secure against unauthorized
 6 uses.”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) NATIONAL VOTER REGISTRATION ACT OF
 9 1993.—Section 8 of the National Voter Registration
 10 Act of 1993 (42 U.S.C. 1973gg–6) is amended—

11 (A) in subsection (a)(3)(B), by striking
 12 “State law,” and inserting “State law and con-
 13 sistent with the requirements of subsection
 14 (j),”;

15 (B) in subsection (a)(4)(A), by striking the
 16 semicolon at the end and inserting and “, con-
 17 sistent with the requirements of subsection
 18 (j),”;

19 (C) in the heading for subsection (d), by
 20 inserting after “ROLLS” the following: “BY
 21 REASON OF CHANGE OF RESIDENCE”; and

22 (D) in subsection (i)(2), by inserting after
 23 “subsection (d)(2)” the following: “and all per-
 24 sons to whom notices described in subsection
 25 (j)”.

1 (2) HELP AMERICA VOTE ACT OF 2002.—Section
2 303(a) of the Help America Vote Act of 2002 (42
3 U.S.C. 15483(a)) is amended—

4 (A) in paragraph (2)(A)(i), by striking
5 “and (e)” and inserting “(e), and (j)”; and

6 (B) in paragraph (4)(B), by striking
7 “Safeguards” and inserting “In addition to
8 meeting the applicable notice and review re-
9 quirements of section 8 of the National Voter
10 Registration Act of 1993, safeguards”.

11 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or any amendment made by this section may be con-
13 strued—

14 (1) to affect the right of any individual to cast
15 a provisional ballot under section 302(a) of the Help
16 America Vote Act of 2002; or

17 (2) to prohibit any State from providing indi-
18 viduals threatened with removal from the official list
19 of eligible voters in the State with greater protec-
20 tions than those required under section 8(j) of the
21 National Voter Registration Act of 1993 (as added
22 by subsection (a)).

23 (e) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to the regularly sched-

1 uled general election for Federal office in November 2008
2 and each succeeding election for Federal office.

3 **SEC. 3. CONTENTS AND TREATMENT OF VOTER REGISTRA-**
4 **TION FORMS.**

5 (a) OPPORTUNITY TO CORRECT INCOMPLETE
6 FORMS.—Section 303(b)(4)(B) of the Help America Vote
7 Act of 2002 (42 U.S.C. 15483(b)(4)(B)) is amended by
8 striking “to answer the question included on the mail voter
9 registration form pursuant to subparagraph (A)(i)” and
10 inserting “to provide any information required on any
11 voter registration form used by the State under section
12 6 of the National Voter Registration Act of 1993”.

13 (b) COMPLETED NATIONAL FORM DEEMED COM-
14 PLETE FOR ALL STATES.—Section 303(b) of such Act
15 (42 U.S.C. 15483(b)) is amended—

16 (1) by redesignating paragraph (5) as para-
17 graph (6); and

18 (2) by inserting after paragraph (4) the fol-
19 lowing new paragraph:

20 “(5) COMPLETED NATIONAL FORM DEEMED
21 COMPLETE FOR ALL STATES.—

22 “(A) TREATMENT OF COMPLETED
23 FORM.—If an applicant for voter registration in
24 a State submits a voter registration application
25 form which contains all of the information re-

1 quired to be provided under the mail voter reg-
2 istration form developed by the Commission
3 under section 9(a)(2) of the National Voter
4 Registration Act of 1993 (whether the form
5 submitted by the applicant is the form devel-
6 oped by the Commission or another form devel-
7 oped and used by the State under section 6(a)
8 of the National Voter Registration Act of
9 1993), the State may not refuse to register the
10 applicant as a voter on the ground that the ap-
11 plicant failed to complete the form.

12 “(B) PRESUMPTION IN FAVOR OF REG-
13 ISTRATION.—In determining whether applicants
14 meet the requirements for registering to vote in
15 elections for Federal office in a State, State
16 election officials shall act under the presump-
17 tion that applicants should be registered.”.

18 **SEC. 4. AVAILABILITY OF UPDATED INFORMATION FOR**
19 **REGISTERED VOTERS.**

20 (a) REQUIRING STATES TO MAKE UPDATED INFOR-
21 MATION AVAILABLE TO REGISTERED VOTERS.—Section
22 303(a)(1) of the Help America Vote Act of 2002 (42
23 U.S.C. 15483(a)(1)) is amended—

24 (1) by redesignating subparagraph (B) as sub-
25 paragraph (D); and

1 (2) by inserting after subparagraph (A) the fol-
2 lowing new subparagraphs:

3 “(B) AVAILABILITY OF UPDATED VERSION
4 OF LIST ONLINE AND AT POLLING PLACES.—

5 “(i) IN GENERAL.—The appropriate
6 State or local election official shall ensure
7 that, at each polling place for an election
8 for Federal office and on a public website
9 of the election official of each registrar’s
10 jurisdiction, a list is available which
11 shows—

12 “(I) all individuals registered to
13 vote in that election at all polling
14 places located in the registrar’s juris-
15 diction, other than any individual who
16 requests that the appropriate official
17 exclude the individual’s name from
18 the list; and

19 “(II) for each such individual,
20 the polling place at which the indi-
21 vidual is registered.

22 “(ii) EXCLUSION OF ADDRESSES.—
23 The list required to be made available
24 under clause (i) may not contain the ad-
25 dress of any individual.

1 “(iii) TIMING.—The appropriate elec-
2 tion official shall make the list required to
3 be made available under clause (i)—

4 “(I) available not later than 72
5 hours after the applicable deadline
6 under State law for registering to vote
7 in elections for Federal office; or

8 “(II) in the case of a same-day
9 registration State, available on a
10 weekly basis during the 30-day period
11 which ends on the date of the election.

12 “(iv) PERMITTING INDIVIDUALS TO
13 OPT OUT OF INCLUSION IN PUBLICLY-
14 POSTED LIST.—If an individual requests
15 that the appropriate election official ex-
16 clude the individual’s name from the pub-
17 licly posted list under this subparagraph—

18 “(I) the official shall exclude in-
19 formation relating to the individual
20 from the publicly-posted list; and

21 “(II) the official shall notify the
22 individual in a private and confiden-
23 tial manner of the polling place to
24 which the individual is assigned in ac-
25 cordance with the timetable provided

1 for making the list available under
2 clause (iii).

3 “(v) DEFINITIONS.—In this subpara-
4 graph—

5 “(I) the term ‘registrar’s jurisdic-
6 tion’ has the meaning given such term
7 in section 8(j) of the National Voter
8 Registration Act of 1993 (42 U.S.C.
9 1973gg-6(j)); and

10 “(II) the term ‘same-day reg-
11 istration State’ means a State in
12 which, under law that is in effect con-
13 tinuously on and after the date of the
14 enactment of the Protection Against
15 Wrongful Voter Purges Act, all voters
16 in the State may register to vote at
17 the polling place at the time of voting
18 in a general election for Federal of-
19 fice.

20 “(C) NOTIFICATION OF CHANGES IN AS-
21 SIGNED POLLING PLACE.—If an election official
22 assigns an individual to a polling place which is
23 different than the polling place at which the in-
24 dividual was registered to vote under the most
25 recently available version of the list required to

1 be made available under subparagraph (B)(i),
2 the official shall notify the individual of the new
3 polling place immediately upon making the as-
4 signment.”.

5 (b) CONFORMING AMENDMENT.—Section 303(a)(1)
6 of such Act (42 U.S.C. 15481(a)(1)) is amended—

7 (1) in subparagraph (A), by striking “subpara-
8 graph (B)” and inserting “subparagraph (C)”; and

9 (2) in subparagraph (C), as redesignated by
10 subsection (a), by striking “requirement under sub-
11 paragraph (A)” and inserting “requirements under
12 subparagraphs (A) and (B)”.

13 **SEC. 5. NONAPPLICABILITY TO CERTAIN STATES.**

14 This Act and the amendments made by this Act shall
15 not apply to a State in which, under a State law in effect
16 continuously on and after the date of the enactment of
17 this Act, there is no voter registration requirement for in-
18 dividuals in the State with respect to elections for Federal
19 office.

20 **SEC. 6. EFFECTIVE DATE.**

21 Section 303(d)(2) of the Help America Vote Act of
22 2002 (42 U.S.C. 15483(d)(2)) is amended—

23 (1) in subparagraph (A), by striking “Each
24 State” and inserting “Except as provided in sub-
25 paragraph (C), each State”;

1 (2) in subparagraph (B), by striking “The pro-
2 visions” and inserting “Except as provided in sub-
3 paragraph (C), the provisions”; and

4 (3) by adding at the end the following new sub-
5 paragraph:

6 “(C) DELAYED EFFECTIVE DATE FOR CER-
7 TAIN PROVISIONS.—To the extent that any pro-
8 vision of subsection (b) was amended by the
9 Protection Against Wrongful Voter Purges Act,
10 such provision shall apply with respect to the
11 next election for Federal office held after No-
12 vember 2008 and each succeeding election for
13 Federal office.”.

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